IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2631 OF 2005

IN

WRIT PETITION NO. 615 of 2001

Mubarak Mehboob Shaikh .... Petitioner

versus

Ramchandra Krishnarao Karadkar ... Respondent.

Ms. Deepali Bhalekar i/b. Uday Warunjikar for the petitioner.

CORAM; P.V. KAKADE, J.

DATED; FEBRUARY 15, 2006.

P.C:

1. Heard the learned advocate for the Applicant. None appears for the respsondent, though properly served. On last occasion also none appeared for the respondent.

2. This application is preferred with a prayer that : pending the hearing and final disposal of this writ petition, this Court be pleased to allow the applicant herein to carry out the tenantable repairs and further directing the respondents to adjust the expenses of the same against the rent payable by the applicant or in the alternative to direct the respondent to carry out the repairs of the suit property within such period as the Court may deem fit.

3. Pending the present petition, this court had directed the applicant to disclose the nature of the repairs and expected expenditure. Accordingly additional affidavit is filed by the applicant stating the estimate of the repairs is about Rs. 25,000/- and that the wall which was collapsed and the roof which was also not available are required to be installed. The applicant has also furnished certain photographs of the suit property which shows that the premises require urgent repairs.

4. In view of the facts and circumstances therefore, the application is made absolute in terms of prayer clause (a) to the extent that the applicant is allowed to carry out the repairs to the extent of expenses of Rs. 25,000/-. After the repairs are completed within a period of four weeks, the account shall be furnished by the applicant to the court for perusal and thereafter further orders shall be passed with regard to its adjustment or otherwise from the rent.

S.O. after four weeks.

5. Parties to act on an authenticated copy of this order.

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